

The Director of Central Intelligence

OLC 77-4689

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Honorable Robert McClory  
House of Representatives  
Washington, D.C. 20515

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Dear Mr. McClory:

I want to thank you for the opportunity to review your bill, H.R. 9745, which would provide a statutory mechanism for the authorization of electronic surveillance to obtain foreign intelligence information. This subject is a matter of great importance to the Intelligence Community.

Within the Administration, the Department of Justice is the chief representative on the matter of electronic surveillance legislation. And, since the Administration is supporting two electronic surveillance bills, H.R. 7308 and its Senate companion, S. 1566, I would suggest that you approach them for a detailed analysis of these bills and H.R. 9745. However, I would like to take this opportunity to offer a few general comments.

Your bill would require completion of a certification procedure within the Executive Branch, rather than procurement of a judicial warrant, before electronic surveillance can be undertaken. In testimony before the Senate Judiciary and Intelligence Committees, I have supported the warrant procedure for electronic surveillance undertaken in the United States for foreign intelligence purposes which is contained in S. 1566. I believe that a warrant procedure will clarify the legal basis for conducting these activities and help to improve public confidence in the national intelligence collection effort.

Your bill also would include communications of United States persons abroad as well as in this country within its scope. H.R. 7308 and S. 1566 do not extend their requirements to electronic surveillance of Americans overseas. Because overseas surveillance of United States persons involves sensitive relationships with foreign governments, I strongly believe that it should receive separate consideration. The Administration is currently preparing legislation to cover surveillance of Americans overseas, and I feel it would be premature to comment further until the legislation has been prepared.

Again, I welcome your interest in this area. I look forward to working with you when the House Permanent Select Committee on Intelligence takes up electronic surveillance legislation.

Yours sincerely,

/s/ Stansfield Turner

STANSFIELD TURNER

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